

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

_____)	
In re:)	
)	
CHRISTOPHER C. DONIGIAN d/b/a)	Chapter 13
Emcon Builders and)	Case No. 08-12455-MWV
SANDRA C. DONIGIAN)	
Debtor.)	
)	
_____)	
LAWRENCE P. SUMSKI,)	
)	
Chapter 13 Trustee,)	Adv. Proc. No. 10-01098-LHK
)	
v.)	
)	
CHRISTOPHER DONIGIAN d/b/a)	
Emcon Builders,)	
JACOB DONIGIAN, and)	
DONIGIAN PROPERTIES, LLC a/k/a)	
Donigian Properties)	
)	
Defendants)	

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT
ON COUNTS I, III AND V OF THE COMPLAINT**

Lawrence P. Sumski, as Chapter 13 Trustee (the “Trustee”), by and through his attorneys, Sheehan Phinney Bass + Green, P.A., respectfully submits, pursuant to Federal Rule of Civil Procedure 56, made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7056, and LBR 7056-1, his motion for summary judgment on counts I, III and V of his complaint filed in the above captioned matter (the “Motion”).

In support of his Motion, the Trustee states that there is no genuine issue as to any material fact and because he can because he can prove each and every element of Section 547(b)

and Section 548(a)(1)(B)(i) and (ii)(I), he is entitled to judgment as a matter of law on Counts I and III.

The Trustee further states that if summary judgment is granted on counts I and/or III, he is entitled to judgment under Count V (Recovery of Transfers, 11 U.S.C. §550).

In further support of his Motion, the Trustee refers to and incorporates herein his Memorandum of Law.

WHEREFORE, the Trustee respectfully requests that this Court grant Summary Judgment in favor of the Trustee on counts I, III and V of the Complaint and for such further relief as this court deems to be just.

Respectfully Submitted,

LAWRENCE P. SUMSKI, CHAPTER 13 TRUSTEE
By His attorneys,

SHEEHAN PHINNEY BASS + GREEN

Date: April 8, 2011

By: /s/ James S. LaMontagne
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